

SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1718 (2006)

20 June 2007

GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK

This document contains the Guidelines of the Committee for the conduct of its work, as adopted by the Committee on 20 June 2007. In accordance with the decision of the Committee, copies of these Guidelines are to be transmitted to all Member States and relevant international organizations/agencies as soon as possible. These Guidelines will also be posted on the Committee's webpage: <http://www.un.org/sc/committees/1718/index.shtml>

1. The 1718 Committee

(a) The Committee was established pursuant to paragraph 12 of Security Council resolution 1718 (2006).

(b) The Committee is a subsidiary organ of the Security Council and will consist of all the members of the Council.

(c) The Chairperson of the Committee will be appointed by the Security Council to serve in her/his personal capacity. The Chairperson will be assisted by two delegations which act as Vice Chairpersons, which will also be appointed by the Council.

(d) The Chairperson will chair meetings of the Committee. When she/he is unable to chair a meeting, she/he will nominate one of the Vice-Chairpersons to act on her/his behalf. The Chairperson or one of her/his designated representatives may also convene and chair informal consultations of the Committee.

(e) The Secretariat of the United Nations will provide the Committee with secretariat support.

2. Mandate of the Committee

In accordance with rule 28 of the Security Council provisional rules of procedure, the Committee is established to undertake the following tasks:

(a) to seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8(a) of resolution 1718 (2006), information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 of the resolution and whatever further information it may consider useful in this regard;

(b) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of the resolution;

(c) to consider and decide upon requests for exemptions set out in paragraphs 9 and 10 of the resolution;

(d) to determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8(a)(i) and 8(a)(ii) of the resolution;

(e) to designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8(e) of the resolution;

(f) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by the resolution;

(g) to report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 of resolution 1718 (2006).

3. Decision-making

(a) The Committee shall make all decisions by consensus of its members.

(b) In cases where the Committee so agrees, decisions will be taken by a written procedure. In such cases the Chairman will circulate to all Members of the Committee the proposed decision of the Committee, and will request Members of the Committee to indicate their objection to the proposed decision within five working days or, in urgent situations, such a shorter period as the Chairperson shall determine but usually no less than two working days. If no objection is received within the stated period, the decision will be considered adopted. Otherwise, the Committee may convene a meeting to revisit the issue at the request of the Chairman or any Member of the Committee.

4. Meetings of the Committee

(a) Meetings of the Committee, both formal and informal, will be convened at any time the Chairperson deems necessary, or at the request of a Member of the Committee. Two working days notice will be given for any meeting of the Committee, although shorter notice may be given in urgent situations.

(b) The meetings of the Committee will be closed, unless the Committee decides otherwise. If the Committee so decides, the Committee may invite other UN Member States, members of the Secretariat and relevant regional or international organizations or agencies to participate in meetings of the Committee for the purpose of providing information or explanations relating to any violations or alleged violations of the sanctions measures imposed by resolution 1718 (2006), or to address the Committee on an ad hoc basis, if necessary and useful to the progress of its work. The Committee will consider requests from Member States to send representatives to meet with the Committee for more in-depth discussion of relevant issues.

(c) Meetings of the Committee, both formal and informal, will be facilitated by interpretation in the six official languages of the Security Council of the United Nations, except in such cases where all Members of the Committee consent to meet without such support.

5. Documentation and Agenda

(a) The Chairperson, in conjunction with the Secretariat, will circulate a provisional agenda and related documents at least two working days before a meeting of the Committee.

(b) The Chairperson, in conjunction with the Secretariat, will circulate other relevant documents and papers to members of the Committee.

(c) Documents circulated in the Committee for eventual formal decision will be translated into all official languages of the Security Council of the United Nations, subject to the following conditions:

- (i) documents concerning technical matters related to paragraphs 8(a)(i), 8(a)(ii) and 12(d) of resolution 1718 (2006) will be translated before the Committee commences its discussion on such documents;
- (ii) documents of a non-deliberative, procedural nature will not be translated;
- (iii) all other documents will be translated into all official languages if and when one delegation so requests without prejudice to the decision-making procedure outlined in paragraph 3(b) above.

6. Arms Embargo referred to in Paragraph 8 (a)(i) of Resolution 1718 (2006)

(a) For the purpose of paragraph 8(a)(i) of resolution 1718 (2006), the Committee may discuss and make decisions consistent with its mandate.

7. Embargo on Items, Materials, Equipment, Goods and Technology related to Nuclear, Ballistic Missile and other Weapon of Mass Destruction Programmes referred to in Paragraph 8(a)(ii) of Resolution 1718 (2006)

(a) As per paragraph 8(a)(ii) of resolution 1718 (2006) the Committee may discuss and decide on items, materials, equipment, goods and technology in addition to those specified by the operative paragraph above, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, or modify existing lists.

(b) Any items, materials, equipment, goods and technology to be proposed to the Committee for its consideration shall be accompanied to the greatest extent possible by a narrative description that clarifies the relation between those items, materials, equipment, goods and technology and DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.

8. Lists of Individuals and/or Entities referred to in Paragraphs 8(d) and 8(e) of Resolution 1718 (2006)

(a) The Committee will decide on a request for designation of an individual and/or entity referred to in paragraph 8(d) and/or 8(e) of resolution 1718 (2006), in two separate lists, on the basis of the criteria contained in these paragraphs, when it receives the request for designation and relevant information with respect to that individual or entity.

(b) Member States will provide an appropriate statement of the case that forms the basis for taking action. The name of an individual and/or entity proposed for designation shall be accompanied by, to the greatest extent possible, a narrative description of the information that clarifies how the criteria contained in paragraph 8(d) and/or 8(e) of resolution 1718 (2006) may apply to the named individual or entity. States may indicate what portions of the statement of case, if any, the Committee may publicly release or release to other UN Member States upon request.

(c) The name of any individual or entity proposed for designation shall be accompanied by, to the greatest extent possible, relevant, specific and as up-to-date as possible information to facilitate their identification by competent authorities:

For individuals designated according to paragraph(s) 8(d) or 8(e): name (in original and Latin script), date of birth, place of birth, nationality, aliases, residence, current and previous addresses, current location, passport or travel document number, professional or functional title and/or any other information relevant to facilitate the application of the measures in paragraph(s) 8(d) or 8(e), including bank account number(s) of that individual, etc.

For entities designated according to paragraph 8(d): name, acronyms, address, headquarters, subsidiaries, affiliates, fronts, nature of business or activity, leadership, tax or other identification number and other names by which it is known or was formerly known, and/or any other information relevant to facilitate the application of the measures in paragraph 8(d), including bank account number(s) of that entity, etc.

(d) Regarding de-listing requests of individuals and entities, petitioners seeking to submit a request for de-listing can do so either through the focal point process outlined in resolution 1730 (2006) or through their state of residence or citizenship, and these requests will be subject to the procedure as established in resolution 1730 (2006). The Committee will consider expeditiously requests to update these lists to be provided through Member States, on the basis of relevant information received by the Committee.

(e) States are encouraged to submit to the Committee any evidence in support of the submission for listing or de-listing.

(f) Once the updated list is communicated to Member States, states are encouraged to circulate it widely, such as to banks and other financial institutions, border points, consulates, customs agents, intelligence agencies, alternative remittance systems and charities.

9. Reviewing

Pursuant to paragraph 12 and consistent inter alia with paragraph 15 of resolution 1718 (2006), the Committee will keep the lists under continuous review, and may also report to the Security Council its observations and recommendations on the measures contained in paragraph 8 of resolution 1718 (2006) as it sees fit.

10. Requests for Exemptions to Assets Freeze Pursuant to Paragraph 9 of Resolution 1718 (2006)

(a) The Committee shall receive notifications in writing from Member States of their intention to authorize, where appropriate, access to frozen funds or other financial assets or economic resources to cover expenses, as provided for in paragraphs 9(a) and (b) of resolution 1718 (2006). The Committee, through the Secretariat, will inform the submitting State of receipt of the notification and the Committee's position at the conclusion of the five-day notification period.

(b) Notifications under paragraph 9(c) require no Committee decision.

(c) Notifications and requests should, as appropriate, include the following information:

- i. Recipient (name and address)
- ii. Recipient's bank information (name and address of bank, account number)
- iii. Purpose of payment
- iv. Amount of installment
- v. Number of installments
- vi. Payment starting date
- vii. Bank transfer or direct debit
- viii. Interests
- ix. Specific funds being unfrozen
- x. Other information

11. Requests for Exemptions to Travel Restrictions Pursuant to Paragraph 10 of Resolution 1718 (2006)

(a) In paragraph 10 of resolution 1718 (2005), the Security Council decided that the travel restrictions imposed under paragraph 8(e) of the resolution shall not apply where the Committee determines on a case by case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the resolution 1718 (2006).

(b) Each request for exemption to the travel restrictions imposed under paragraph 8(e) of resolution 1718 (2006) shall be submitted in writing, on behalf of the listed individual, to the Chairperson of the Committee through the Permanent Mission to the United Nations of any Member State, including inter alia the State of which the listed individual is a national or resident, the State(s) of transit and/or the State of final destination.

(c) Except in cases of emergency, to be determined by the Committee, all requests shall be received by the Chairperson no less than five working days before the commencement date of the proposed travel.

(d) All requests should include the following information, with accompanying documents:

- i. the name, designation, nationality and passport number(s) of the person(s) undertaking the proposed travel.
- ii. the purpose(s) for the proposed travel, with copies of supporting documents furnishing details connected to the request such as specific dates and times of meetings or appointments.

- iii. the proposed dates and times of departure from and return to the country from which the travel commenced.
- iv. the complete itinerary for such travel including the points of departure and return and all transit stops.
- v. details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels.
- vi. a statement of specific justification for the exemption.

(e) Any request for extension(s) of exemptions approved by the Committee under paragraph 10 of resolution 1718 (2006) shall also be subject to the provisions above, and shall be received by the Committee Chairperson in writing, attaching a revised itinerary, no less than five working days before the expiry of the approved exemption period, and circulated to Committee members.

(f) The Committee shall receive written confirmation from the government in whose territory the listed individual resides, with supporting documents, confirming the itinerary and date on which the listed individual traveling under an exemption granted by the Committee returned to the country of residence.

(g) Any changes to the required travel information previously submitted to the Committee, particularly the points of transit, shall require the prior approval of the Committee and shall be received by the Committee Chairperson and circulated to Committee members no less than two working days prior to the commencement of the travel, except in cases of emergency.

(h) The Committee Chairperson shall be immediately informed in writing in the event of advancement or postponement of travel for which the Committee has already issued an exemption. Submission to the Committee Chairperson of written notification will be sufficient in cases where the time of departure is advanced or postponed no more than 48 hours and the previously submitted itinerary remains otherwise unchanged. If travel is to be advanced or postponed more than 48 hours before or after the date previously approved by the Committee, then a new exemption request must be submitted, and should be received by the Chairperson and circulated to Committee members in conformity with paragraphs (a), (b) and (c) above.

(i) In cases of emergency medical evacuations to the nearest appropriate State, the Committee will determine whether the travel is justified within the exemption of paragraph 10 of resolution 1718 (2006), once notified of the name of the traveler, the reason for travel, the date and time of evacuation, along with flight details, including transit points and destination(s) and shall also be promptly provided with a doctor's note containing as many details as possible of the nature of the medical emergency and the facility where treatment was received by the patient without prejudice to the respect of medical confidentiality, as well as information regarding the date, time, and mode of travel by which the patient returned to his/her country of residence.

12. Communication and Transparency

(a) The information received by the Committee will be kept confidential if the provider so requests or if the Committee so decides. Elements of identification of individuals or entities, once available, as well as any significant modification to the lists will be promptly communicated to all Member

States through a Note Verbale from the Chairperson. The updated lists will be made promptly available on the web page of the Committee, and will be published in a press release.

(b) The Chairperson may brief interested Member States and the press following formal meetings of the Committee, unless the Committee decides otherwise. In addition, the Chairperson may be authorized, after prior consultations and with the approval of the Committee, to hold press conferences or issue press releases on any aspect of the Committee work.